

NOT FOR PUBLICATION

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

HAYWOOD HINTON,
a/k/a "Ameer Hasan,"

Petitioner,

v.

TROY LEVI,

Respondent.

HONORABLE JEROME B. SIMANDLE
CIVIL NO. 06-3233 (JBS)

MEMORANDUM OPINION

This matter comes before the Court on its own initiative.

THE COURT FINDS AS FOLLOWS:

1. Petitioner Haywood Hinton filed this action on May 25, 2006 in the Eastern District of Pennsylvania, pursuant to 28 U.S.C. § 2255, seeking to vacate his June 4, 2003 conviction and sentence. The matter was transferred to this Court on July 13, 2006.

2. On July 26, 2006 this Court issued Petitioner a Letter Order to Show Cause [Docket Item 4], within twenty days, why the matter should not be dismissed as untimely under 28 U.S.C. § 2255, paragraph 6, which generally requires such action to be brought within one year of the date of (1) final conviction, (2) when the government removes an impediment to the action, (3) when the Supreme Court recognizes the right at issue, or (4) the facts supporting the claim could have been discovered with due

diligence.

3. That Letter Order was returned as undeliverable.

4. Local Civil Rule 10.1 requires a party to file a notice of change in address with the Court within five days of such change. Failure to do so deprives the Court of an opportunity to communicate effectively with the parties on matters pending before the Court.

5. Over three months have passed since the Court issued its Order to Show Cause. To this date, Petitioner has not informed the Court of any change in address or otherwise responded to the Court's Order.

6. Because it appears that this action is untimely, because Petitioner has not complied with the Court's Order to Show Cause, and because Petitioner has failed to comply with Local Civil Rule 10.1, the action will be dismissed without prejudice.

The accompanying Order will be entered.

November 8, 2006
Date

s/ Jerome B. Simandle
Jerome B. Simandle
United States District Judge